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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,970	05/14/2001	Gary Zeik	8236-3	9096

7590

06/28/2002

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EXAMINER

NGUYEN, CHI Q

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 06/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,970

Applicant(s)

ZEIK ET AL.

Examiner

Chi Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 15, 30, 32-37, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Yerushalmi (US 4,433,522).

Yerushalmi discloses blast and fragment-resistant protective modular structure comprising a plurality of freestanding transportable modules 2, 4 are connected, and having a rectangular shaped, a major axis, a barrier including first, second spaced apart rigid walls 2, 4, filler material 8 is capable of shielding from radiation contained between the first, second wall 2, 4 with opened channels 23, 63, are adjacent and substantially aligned, shielding filler material can flow into the adjacent channel, modular wall structures are coupled to a foundation 210, rigid reinforcing and support members 6, frame structure 6 and wall panels are made by steel. (See figs. 1-4, 6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 5-19, 31, 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yerushalmi (US 4,433,522) in view of Dow (US 4,018,021) and Zoback (US 5,254,798).

Yerushalmi discloses blast and fragment-resistant protective modular structure as stated above.

Yerushalmi does not disclose explicitly a second plurality of freestanding transportable modules connected to form a roof over the central treatment area, the roof includes a roof barrier above the central treatment area, the roof barrier comprising a rigid floor supporting a quantity of radiation shielding filler material above the central treatment area, the first, second plurality of modules each have a length not exceeding about 53', a width not exceeding about 14', and a height not exceeding about 13'6", at least one module comprises a door comprising radiation shielding material, a tractable threshold, a lifting mechanism.

Dow teaches building structures comprising a plurality of module panels 14, a roof 50, at least one of the modules having a door entrance to be installed a door, frame structure 20, reinforcing elements 18 between wall panels 14, a rigid floor 12, and

Zoback teaches a secondary containment structures for hazardous material including a door 20 having an inherent tractable threshold on its own weight and a panic hardware 21 installed thereon to permit a quick exit from building. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Yerushalmi's radiation shielding filler material with Dow's for roof and door and with Zoback's for door with lifting mechanism. The motivation for doing so would have been to provide more

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accurate control of the radiation thus protects the patients and medical staffs from exposure to harmful radiation.

Yerushalmi, Dow and Zoback teach the structural elements for the modular structure for housing radiation source except for the specific length, width, and height. It would have been obvious to one of ordinary skill in the art at the time the invention was made to obtain the desirable ratio for specific length, width, and height, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

5. Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yerushalmi (US 4,433,522) in view of Dow (US 4,018,021) and Zoback (US 5,254,798). Yerushalmi, Dow, and Zoback teach the structural elements for the modular structure for housing radiation source except for the method of assembly; examiner considers this to be the obvious method of setting up the device of claims 1-37.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kratchmer (US 4,321,779), Ott et al. (US 4,604,843), Melnick et al. (US 5,664,382), Takemura (US 6,231,025), France Pat. No. 2547610, EP 0112213, UK Pat. No. 2086447, Japan PN 61-10631 teach structural element for wall panels.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Monday-Thursday (7:00-5:30), Fridays off or examiner's supervisor, Lanna Mai can be reached at (703) 308-2486. The fax number for the organization where this application or proceeding assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



CQN
6/20/02

LANNA MAI
SUPERVISORY PATENT EXAMINER
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